

WILEY, REIN & FIELDING

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

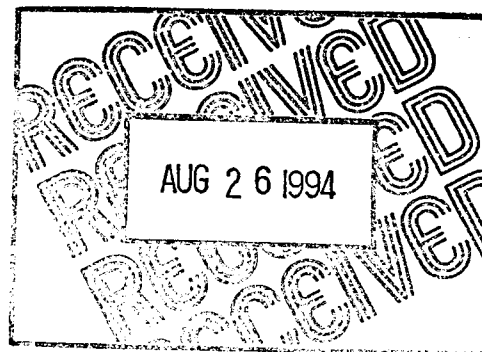
JOHN A. HODGES
(202) 429-3377

August 26, 1994

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

BY HAND DELIVERY

Ms. Ann Terbush
Chief
Permits and Documentation Division
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
United States Department of Commerce
Room 13121
1315 East-West Highway
Silver Spring, MD 20910



Dear Ms. Terbush:

On behalf of Ocean World, Inc. ("Ocean World") we hereby provide a 15-day advance notification to the Department of Commerce of a sale, transportation, and export of live marine mammals. Such action is for purposes of public display. This notification is submitted pursuant to 42 U.S.C. § 1374(c), as amended by the Marine Mammal Protection Act Amendments of 1994.

The relevant information is as follows. Ocean World intends to sell all of its 12 Atlantic bottlenose dolphins currently at Ocean World to the Institute for Marine Sciences, Roatan, Bay Islands, Honduras, CA ("the Institute"). The marine mammals will be transported to the Institute.

The name, authorization document, sex, estimated birth date, date of acquisition, and source of each marine mammal is set forth in the NMFS Marine Mammal Inventory Report. This information is summarized in Exhibit A hereto.

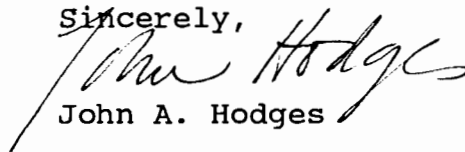
The Institute meets standards that are comparable to the requirements that a person must meet to receive a permit for public display. The Institute offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community. Further information concerning the Institute's education or conservation program are attached hereto as Exhibit B. The Institute meets or exceeds the captive care and maintenance

Ms. Ann Terbush
August 26, 1994
Page 2

standards for marine mammals under the Animal Welfare Act ("AWA") and the AWA-comparable-standards requirement for export under the Marine Mammal Protection Act ("MMPA"). It also maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis. Access to such facilities is not limited or restricted other than, if at all, by charging of an admission fee.

Ocean World's opinion as to the suitability of the Institute has been confirmed by the United States Government. The Department of Agriculture's Animal and Plant Health Inspection Service ("APHIS") has determined that the Institute meets or exceeds the captive care and maintenance standards for marine mammals under the AWA and the AWA-comparable-standards requirement for export under the MMPA. APHIS has also determined that the Institute is open to the public and offers an extensive and internationally known education program based on standards of the public display community.

Sincerely,

A handwritten signature in dark ink, appearing to read "John A. Hodges", is written over the typed name.

John A. Hodges

Attorney for Ocean World, Inc.

Enclosures

OCEAN WORLD ANIMAL INVENTORY

MAMMALSAtlantic bottlenose dolphins - *Tursiops truncatus*

- "Tiger" (OW-TT-6402) - female, D.O.B. 1949, acquired 11/15/64 from Florida Keys. Collector - Santini; non-stranding.
- "Mabel" (OW-TT-6403) - female, D.O.B. 1954, acquired 12/15/64 from Florida Keys. Collector - Pedro; non-stranding.
- "Squirt" (OW-TT-7001) - female, D.O.B. 1960, acquired 06/01/70 from Florida Keys. Collector - Eugene Hamilton; non-stranding.
- "Penny" (OW-TT-6701) - female, D.O.B. 1961, acquired 06/01/67, from Florida Keys. Collector - Eugene Hamilton; non-stranding.
- "Dimples II" (OW-TT-7002) - male, D.O.B. 1965, acquired 06/01/70 from Florida Keys. Collector - Eugene Hamilton; non-stranding.
- "Diana II" (OW-TT-7201) - female, D.O.B. 06/01/72 at O.W., born of "Ginnie."
- "Delta" (OW-TT-8801) - female, D.O.B. 1986, acquired 01/28/88 from Melbourne, FL. Collector - Applied Marine Resources Corp.; non-stranding.
- "Trouble" (OW-TT-8701) - male, D.O.B. 06/28/87 at O.W., born of "Diana II."
- "Tag" (OW-TT-8702) - female, D.O.B. 08/11/87 at O.W., born of "Dixie."
- "Echo" (OW-TT-9001) - male, D.O.B. 01/19/90 at O.W., born of "Diana II."
- "Spirit" (OW-TT-9102) - female, D.O.B. 10/20/91 at O.W., born of "Cindy."
- "Apollo" (OW-TT-9201) - male, D.O.B. 06/20/92 at O.W., born of "Diana II."

**EDUCATION AND CONSERVATION PROGRAMS OF
THE INSTITUTE FOR MARINE SCIENCES**

The Institute for Marine Sciences ("the Institute") has extensive education and conservation programs.

The Institute is visited by persons from around the world and hosts a variety of programs for school children, high school students, undergraduate and graduate students, their professors, researchers, and others.

The Education Center contains extensive exhibits and videotapes dealing with marine life and the ecology of the area. The Education Center is open to the general public. It is also used as a classroom by students and their professors. It is equipped with an overhead projector, VCR and slide projector for presentations and lectures. A "dry" laboratory contains teaching-grade microscopes and stereoscopes, glassware, specimen reference collection and water testing equipment. A "wet" laboratory houses aquaria, glassware and specimen collecting equipment such as plankton nets, Brill nets, etc., used by the visiting groups.

The Institute has hosted classes for high school, undergraduate and graduate students and their professors for stays of up to two weeks. Several of the programs have been for academic credit, and some have been in conjunction with other field station programs such as those offered at the Wallops Island Marine Science Center, Wallops Island, Virginia. Students have also pursued independent study projects at the Institute. Several classes have reserved sessions for the succeeding year and expressed interest in a long-term relationship with the Institute.

The Institute staff offers a series of lectures on marine mammals. The volume of information allows the program to be tailored to the needs of the individual study group. Topics include cetacean evolution, anatomy, physiology, social structure, current research, training, captivity and environmental issues impacting marine mammals. The lecture series has been very successful. A discovery camp is also offered to children from the ages of 8 to 14. Children learn about dolphins as well as other marine life in the week-long camp.

The Institute is using dolphins as an important teaching resource to introduce many aspects of the biology and ecology of cetaceans. Bottlenose dolphins are the most popular and perhaps effective educational aid utilized by the Institute. The Institute staff regularly give public demonstrations with commentary on these remarkable mammals. The regard with which these educational demonstrations are held is evident in

an article on the Institute in a Smithsonian Institution publication. The article notes that the Institute "is using the trained dolphins as an important teaching resource to introduce many aspects of the biology and ecology of cetaceans."

The Institute's on-site demonstrations and off-premises presentations help school children and adults understand and appreciate on marine mammals, the ocean environment and ocean/island conservation and ecology.

The theme of conservation runs throughout the programs at the Institute, and the Institute staff periodically conducts programs for local school children on threats to the island's natural resources.

Over 50 scientists from the United States, Honduras, and Puerto Rico have visited the Institute. Some have brought classes for formal education in the marine sciences; others have pursued their particular research interests; and still others have visited the Institute to familiarize themselves with the Institute's marine laboratory. For example, as reported by the Smithsonian Institute, a group of 20 scientists, mostly professors from a wide array of universities and colleges in U.S., visited the Institute on a four-day visit sponsored by the Institute and the Honduran government. The trip's purpose was to familiarize instructors and researchers with the education and research opportunities at the Institute. The Institute hopes to attract additional field trips and involve an array of U.S. researchers in the conservation efforts of the marine ecosystem at Roatan. The Smithsonian representative stated that the Institute "offers some intriguing opportunities for Smithsonian researchers too."

The staff of the Institute systematically collects medical and morphometric data on the dolphins with which it is working. This information is useful in establishing a database to monitor health, growth patterns, and characteristics unique to the animals of the Honduran north coast. This information has never before been gathered.

Another Institute project involving marine mammals is a series of aerial surveys to determine the mammal population in Honduran waters and their migration patterns. The Honduran Department of Natural Resources and the U.S. National Marine Fisheries Service are cooperating in the project. A paper on the project was given by the Institute staff biologist at the annual meeting of the U.S. National

Marine Educators Association of which the Institute is a member.

The Institute is documenting those practices that pose threats to the marine environment on which the Bay Islands are dependent. This documentation will be used to support Institute's goal of expanding a marine reserve and discouraging activities that are destructive of natural resources.

Institute staff has extensive experience in marine mammal rehabilitation programs -- including the rescue of a pilot whale. The Institute staff is willing to make available to other groups or institutions its specialized knowledge in the treatment and rehabilitation of marine mammals.

The Institute also houses the Roatan Museum, which has been described as "the finest small museum in Central America." The Museum contains artifacts, maps, murals and documents in the museum reflects the cultural crossroads from which the Bay Islands evolved. The murals were judged of such quality by the government that one was chosen for a Honduran postage stamp. Guided tours of the museum are given in English and Spanish.

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September 8, 1994

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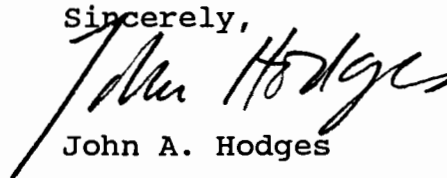
Ms. Ann Terbush
Chief
Permits and Documentation Division
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
United States Department of Commerce
Room 13121
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Terbush:

Enclosed is a certification from the Institute of Marine Sciences that it offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community.

With best regards.

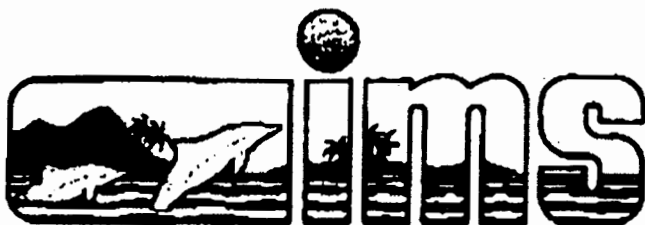
Sincerely,



John A. Hodges

JAH/pb

Enclosure



Institute for marine sciences
instituto de ciencias marinas

September 2, 1994

Ms. Ann Terbush
Chief
Permits and Documentation Division
National Marine Fisheries Service
United States Department of Commerce
Room 13121
1315 East-West Highway
Silver Spring, MS 20910

Dear Ms. Terbush:

The Institute for Marine Sciences certifies that it offers a program for education and conservation purposes that is based on professionally recognized standards of the public display community, including those of the Alliance of Marine Mammal Parks and Aquariums attached hereto.

I note that the United States Government, through the Animal and Plant Health Inspection Service, has already determined that the Institute offers an extensive and internationally-known educational program based on the standards of the public display community.

Sincerely,

Julio Galindo
President
Institute for Marine Sciences

Enclosure: As stated.

ALLIANCE OF MARINE MAMMAL PARKS AND AQUARIUMS

EDUCATION STANDARDS

PREAMBLE:

Education is an integral and important component of the overall operations of every marine life park, aquarium and zoo that is a member of the Alliance. The value of these education programs was recognized by the Congress in 1972 when the Marine Mammal Protection Act (MMPA) was first enacted. This recognition has been reaffirmed by the Congress in subsequent years as the MMPA has been reauthorized. Under the MMPA, a public display facility must offer a program for education or conservation purposes as a component of its overall program. In 1988, the Senate Committee on Commerce, Science, and Transportation stated in its report, "Effective public display of marine mammals provides an opportunity to inform the public about the great aesthetic, recreational and economic significance of marine mammals and their role in the ecosystem." The report also recognizes the diversity of public display facilities and the methods available to them for public education, and recommends that this diversity be fostered.

(Excerpted from: Senate Report No. 100-592, Marine Mammal Protection Act Amendments of 1988, Report of the Senate Committee on Commerce, Science and Transportation on S. 2810, October 7, 1988.)

Alliance public display facilities are the primary source of educational programming about marine mammals for the American public. Recognizing this opportunity and responsibility, the Alliance has established standards for education programs offered by Alliance public display facilities. Alliance education programs are presented in an enjoyable and orderly manner, and are widely recognized and respected by the public. The many differences among Alliance facilities, such as location, number of animals, species exhibited, audience demographics, and management structures, necessitate creative individual strategies and varied education programs. These strategies and programs, when implemented by member facilities, provide an effective means of fulfilling the goal of educating the public about marine mammals and the marine ecosystem.

GENERAL PROVISIONS

Education is the dynamic process of becoming aware, gaining knowledge, expanding understanding, constructing meaning and developing the skills to actively use that which has been learned. At Alliance public display facilities, education about marine mammals encompasses such things as displays, presentations, shows and a variety of other education and recreational programs, all designed to promote the learning process of visitors.

The overall objective of Alliance educational programming is to enhance appreciation for and understanding of marine mammals and their ecosystem. An informed public is more likely to support research and conservation of marine mammal populations and their ecosystems in the United States and worldwide.

STANDARDS FOR EDUCATION IN PUBLIC DISPLAY FACILITIES:

1. Education programs about marine mammals must promote an improved understanding of and an appreciation for these animals and their ecosystems.

Note: In addition to direct observation, a variety of other techniques and stimuli may be used to effectively communicate member programs' educational messages. These methods may include, but are not limited to, some of the following:

- * Audio-visual materials
- * Community outreach
- * Formal education programs
- * Guided tours
- * Instructional guides/curricula
- * Interactive exhibits/programs
- * Interpretive graphics
- * Narration at exhibits
- * Off-site education programs
- * Public presentations
- * Public shows
- * Recreation programs
- * Special needs programs (e.g., disabled, senior citizens)
- * Species identification labels
- * Teacher training
- * Written materials/publications

2. Education programs about marine mammals must offer multiple levels of learning opportunities for visitors to expand their knowledge about these animals.

Note: "Multiple levels of learning opportunities" refers to providing educational information for visitors who have different levels of knowledge and interest. For example, basic introductory programming might offer viewing of animals, species identification and/or a public show or presentation. More advanced programming might include, for example, formal education programs, guided tours and/or written or audio-visual material designed to meet the needs of individuals who wish additional information.

3. Education programs about marine mammals must present information about these animals, their ecosystem, or marine wildlife conservation that is based upon the best current scientific knowledge.

Note: "The best current scientific knowledge" refers to information based on the growing body of scientific research about marine mammal science and the basic knowledge that is professionally recognized by relevant disciplines, such as biology, physiology, anatomy, veterinary medicine, and/or animal behavior science.

4. A qualified individual must be designated and responsible for the development of and administration of education programs about marine mammals.

Note: "Qualified" refers to having a bachelor's degree, education experience, administrative skills and knowledge about marine mammals.

5. Education programs about marine mammals must include a written education plan consisting of a mission statement, goals, and an evaluation strategy.

Note: The education plan should reflect current facility programs. Evaluations are intended for internal program review, and each facility will have discretion in determining the methods used and the scope and frequency of the evaluations.

6. Education programs about marine mammals must include availability of institution experts as a marine science resource to professional groups and the education community when appropriate and practicable.

Note: Public display facilities employ and collaborate with many highly knowledgeable and experienced marine mammal experts, such as animal behaviorists, veterinarians, research scientists, trainers, and marine education and other specialists. When appropriate and practicable, facilities should encourage and facilitate opportunities for these specialists to serve as marine science resources and share their expertise with interested professional groups and the education community.

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HOTEL HOND NAYA

09/06/94 11:42

P01

**SECRETARIA
DE RECURSOS
NATURALES****DIRECCION GENERAL DE PESCA
Y ACUICULTURA****SUB-DIRECCION DIGEPESCA-207-94****Taguacigalpa, M.D.C.,
5 de septiembre, 1994**

**Señora
Ann Terbush Chief
Permits and Documentation Division
National Marine Fisheries Service
United States Department Of Commerce
Room 13121, 1315 East-West Highway
Silver Springs, MD 20910**

Estimada Señora Terbush:

Hemos sido informados que Ocean Word, Inc. y el Instituto de Ciencias Marinas (Institute for Marine Sciences), están suscribiendo un contrato conforme a la Ley de Protección de Animales Mamíferos Marinos (Marine Mammal Protection) para la exportación de 12 Delfines de Pico de Botella del Atlántico al Instituto, con el propósito de exhibición pública.

La Dirección General de Pesca y Acuicultura, de la Secretaría de Recursos Naturales del Gobierno de Honduras está de acuerdo en respetar las decisiones del Departamento de Comercio del Gobierno de los Estados Unidos de América con respecto a las condiciones de las Leyes relacionadas con la información sobre inventarios de animales mamíferos marinos y transferencia de animales mamíferos marinos. Asimismo si se diera el momento en que el Instituto no reuna las condiciones de la Ley justificando la exportación, la Dirección General de Pesca y Acuicultura observará las disposiciones de las Leyes y decisiones del Departamento de Comercio de los Estados Unidos de América, con respecto a la Ley de Protección de los Animales Mamíferos Marinos.

Muy atentamente

Roberto Guerra
**Roberto Guerra
Sub-Director DIGEPESCA**

**cc: Sr. Director General DIGEPESCA
Archivo
/um***

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OFFICE OF THE SECRETARY OF NATURAL RESOURCES

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OFFICE OF THE DIRECTOR GENERAL
OF FISHING AND AGRICULTURE

SUB-DIGEFESCA-207-94

Tegucigalpa, M.D.C.
September 5, 1994

Mrs. Ann Terbush, Chief
Permits and Documentation Division
National Marine Fisheries Service
United States Department of Commerce
Room 13121, 1315 East-West Highway
Silver Springs, MD 20910

Dear Mrs. Terbush:

We have been informed that Ocean Word, Inc., and the Institute for Marine Sciences are subscribing a contract in accordance with the Marine Mammal Protection Act for the export of 12 Bottlenose Dolphins from the Atlantic to the Institute, for the purpose of public exhibition.

The Office of the Director General of Fishing and Agriculture, of the Office of the Secretary of Natural Resources of the Government of Honduras, hereby agrees to respect the decisions of the Department of Commerce of the United States of America with respect to the conditions of the Laws related to information regarding inventories of marine mammals and transfer of marine mammals. Likewise, should the time come when the Institute does not meet the conditions of the Law justifying the export, the Office of the Director General of Fishing and Agriculture shall abide by the provisions of the Laws and decisions of the Department of Commerce of the United States, with respect to the Marine Mammal Protection Act.

Sincerely yours,

/s/ [illegible]

Roberto Guerra

Assistant Director, DIGEPESCA

[rubber stamp:]

OFFICE OF THE SECRETARY OF NATURAL RESOURCES

[illegible]

DIGEPESCA

[illegible]

cc: Director General, DIGEPESCA
File

/mm

From: *Bucky Mayton, Ministry of the Environment
Honduras*

FAX: 504 37 5726

AGREEMENT

We, CARLOS A. MEDINA in my condition as Minister of the Environment, (representative of the U.S. Embassy in Honduras) and JULIO CESAR GALINDO in his condition as President of the Institute for Marine Sciences Inc. by this document whose purpose is to assure optimum conditions for twelve dolphins and three sea lions which will be imported from Ocean World Inc. located in the State of Florida, U.S.A. to the Institute for Marine Sciences Inc. in Roatan, Bay Islands, Honduras which will be regulated by the following clauses:

FIRST: The Institute for Marine Sciences Inc. agrees to identify each individual with photos and voice prints and present this identification to the Ministry of the Environment for its records.

SECOND: The Institute for Marine Sciences Inc. agrees not to sell or transfer the imported animals nor their offspring without written permission from the competent authorities.

THIRD: The Institute for Marine Sciences Inc. agrees to have available a veterinarian with experience in marine mammals for the security of the animals.

FOURTH: The Institute for Marine Sciences Inc. agrees to give free access to the authorities from the Ministry of the Environment and the Ministry of Natural Resources for the inspections deemed necessary.

FIFTH: The Institute for Marine Sciences Inc. agrees to comply with the Marine Mammal Protection Act and the Animal Welfare Act.

SIXTH: The Institute for Marine Sciences Inc. agrees to give the Ministry of the Environment the results of its observations on marine mammals in Honduras.

SEVENTH: The Institute for Marine Sciences agrees to, if by some chance or Act of God, it could not maintain adequate conditions according to the above-mentioned regulations and treaties, give or sell the imported marine mammals to an institution which would be determined by the competent authorities.

EITHTH: The Ministry of the Environment agrees to support the Institute for Marine Sciences Inc. with scientific information pertaining to marine mammals existing in the Ministry.

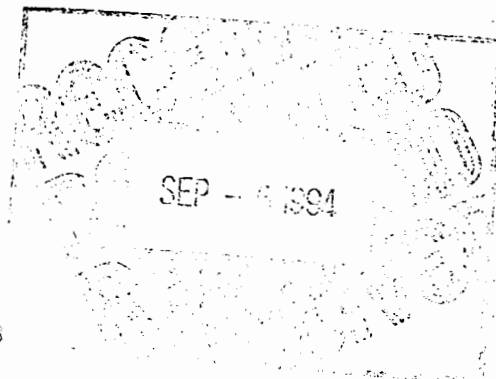
Mr. Julio Galindo manifests that he, representing the Institute for Marine Sciences Inc., agrees to all of the above clauses. By the same token, Dr. Carlos A. Medina and (representative of the U.S. Embassy in Honduras) also agree and fully accept the conditions of this agreement.

This agreement is signed in Tegucigalpa on the sixth day of September of nineteen hundred ninety four.

CARLOS A. MEDINA
MINISTER OF THE ENVIRONMENT

JULIO GALINDO
PRESIDENT
INSTITUTE FOR MARINE SCIENCES

REPRESENTATIVE OF THE U.S.
GOVERNMENT



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United States Department of Commerce
Room 13121
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Terbush:

Enclosed is the certification by the Government of Honduras with respect to the twelve bottlenose dolphins that are being transferred by Ocean World to the Institute for Marine Sciences.

Please let me know if you have any questions.

With best regards.

Sincerely,


John A. Hodges

JAH/pb

Enclosure

3 927629

HOTEL HOND NAYA

09/08/94 11:42

P01

**SECRETARIA
DE RECURSOS
NATURALES****DIRECCION GENERAL DE PESCA
Y ACUICULTURA**

SUBDIRECCION PESCA-207-94

**Tagucigalpa, M.D.C.,
5 de septiembre, 1994**

**Señora
Ann Terbush Chief
Permits and Documentation Division
National Marine Fisheries Service
United States Department Of Commerce
Box 13121, 1315 East-West Highway
Silver Springs, MD 20910**

Estimada Señora Terbush:

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La Dirección General de Pesca y Acuicultura, de la Secretaría de Recursos Naturales del Gobierno de Honduras está de acuerdo en respetar las decisiones del Departamento de Comercio del Gobierno de los Estados Unidos de América con respecto a las condiciones de las Leyes relacionadas con la información sobre inventarios de animales mamíferos marinos y transferencia de animales mamíferos marinos. Asimismo si se diera el momento en que el Instituto no reuna las condiciones de la Ley justificando la exportación, la Dirección General de Pesca y Acuicultura observará las disposiciones de las Leyes y decisiones del Departamento de Comercio de los Estados Unidos de América, con respecto a la Ley de Protección de los Animales Mamíferos Marinos.

Muy atentamente


**Roberto Guerra
Sub-Director DICEPESCA**

**cc: Sr. Director General DICEPESCA
Archivo
/um***

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OFFICE OF THE SECRETARY OF NATURAL RESOURCES

[illegible]

OFFICE OF THE DIRECTOR GENERAL
OF FISHING AND AGRICULTURE

SUB-DIGEFESCA-207-94

Tegucigalpa, M.D.C.

September 5, 1994

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United States Department of Commerce
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Sincerely yours,

/s/ [illegible]

Roberto Guerra

Assistant Director, DIGEPESCA

[rubber stamp:]

OFFICE OF THE SECRETARY OF NATURAL RESOURCES

[illegible]

DIGEPESCA

[illegible]

cc: Director General, DIGEPESCA

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STATE OF FLORIDA)
)
COUNTY OF DADE)

SS

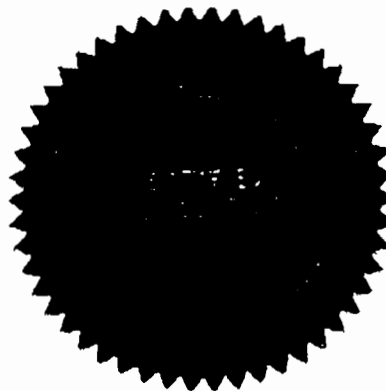
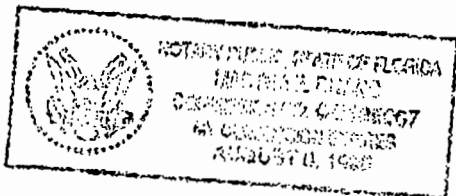
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA
AT LARGE, PERSONALLY APPEARS DR. LOIS A. DE LA VEGA - VICE PRES.
FOR AND ON BEHALF OF PROFESSIONAL TRANSLATING SERVICES, WHO,
AFTER BEING DULY SWORN, DEPOSES AND SAYS THAT (S)HE IS FULLY
VERSED IN THE SPANISH AND THE ENGLISH LANGUAGES,
AND THAT THIS IS A TRUE AND CORRECT TRANSLATION OF THE ATTACHED
DOCUMENT CONSISTING OF 1 PAGE(S), AND THAT THIS
IS THE LAST OF THE ATTACHED.

Dr. Lois A. De La Vega, Vice Pres

SWORN TO AND SUBSCRIBED THIS 7th DAY OF September,
A.D., 1994.

Manuel
NOTARY PUBLIC, STATE OF FLORIDA
AT LARGE

MY COMMISSION EXPIRES:





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

OCT - 3 1994

Mr. Julio Galindo
Institute for Marine Sciences
Roatan, Bay Islands
Honduras

Dear Mr. Galindo:

The 12 Atlantic bottlenose dolphins recently transferred to you from Ocean World, Inc., were transferred under the provisions of the Marine Mammal Protection Act (MMPA) as amended in April 1994. For your information, the MMPA requires institutions outside of the United States that receive marine mammals exported from the United States for purposes of public display to:

- Offer an education or conservation program comparable to one that is based on professionally recognized standards of the U.S. public display community;
- meet standards comparable to the requirements that a person in the U.S. must meet to be registered or be issued a license under the Animal Welfare Act (7 U.S.C. 2131 et seq.); and
- maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee.

These three requirements are continuing obligations. They must be met by any institution to which the animals are to be exported before the export can occur, and they must be met thereafter as long as those animals or their progeny are held at that institution. If any of the exported animals or their progeny are transported elsewhere, you must notify NMFS at least 15 days in advance. Moreover, if the animals are transferred for public display purposes to another facility, whether outside or within the United States, that facility must meet the three requirements provided above. A copy of Public Law 103-238 is enclosed for your reference.

In addition to the three requirements, the MMPA specifies that you must submit inventory reports to the National Marine Fisheries Service (NMFS). These inventory reports (form enclosed) should provide information on the exported animals and their progeny as well. With regard to the latter, any births should be reported within 30 days of the date of birth.

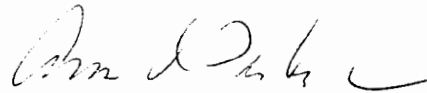


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We are preparing interim guidance regarding requirements for the transport of marine mammals between public display facilities, including exports to public display facilities outside the United States, inventory reporting, and other notifications. This guidance will be sent to all persons that are holding marine mammals for purposes of public display or have received marine mammals exported from the United States under the authority of the MMPA.

If you have questions regarding these requirements, please write to the Chief, Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, F/PR1, Silver Spring, MD 20910.

Sincerely,



Ann D. Terbush
Chief, Permits Division
Office of Protected Resources

Enclosures

cc: Secretaria Recursos Naturales
Direccion General De Pesca
y Acuicultura
Tegucigalpa, Honduras



SECRETARIA DE ESTADO EN EL DESPACHO DEL AMBIENTE
SEDA

February 3, 1995

Ann Terbush
Chief, Permits Division
Office of Protected Resources
National Marine Fisheries Service, 1335 East-West Highway,
F/pr1
Silver Spring, MD
20910
EE.UU.

Dear Ms. Terbush:

Today we received a copy of a letter directed to Julio Galindo, Institute for Marine Sciences, Roatan, Bay Islands, Honduras from you explaining the requirements under the Marine Mammal Protection Act for institutions outside the U.S. that receive marine mammals exported from the U.S.

The Ministry of the Environment is one of the Honduran institutions responsible for seeing that these requirements are met.

Mr. Galindo is requesting an environmental license for constructing a canal leading to an inlet to protect the dolphins in case of storms or hurricanes, and he is justifying this based, in part, in your letter.

We would like to request copies of the following documents which are mentioned in your letter, so that we are clearer as to the U.S. regulations.

- Marine Mammal Protection Act
- Animal Welfare Act
- Public Law 103-238

Thank you very much,

Sincerely,

Becky Myton
Becky Myton, PhD
Scientific Advisor